




MEMORANDUM

DATE: March 8, 2016
For March 23, 2016 Hearing

TO: Jim Mazzocco
Zoning Examiner

FROM: Manjeet Ranu, AICP 
Director
Planning & Development Services

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-17-01 Lipman – Speedway Boulevard
R-1 to O-2 (Ward 6)

Issue – This is a request by Burak Bekat of A23 Studios, on behalf of the property owner, Phil Lipman, to rezone approximately 0.26 acres from R-1 to O-2 zoning. The rezoning site is located on the north side of Speedway Boulevard, approximately 250 feet west of Tucson Boulevard (see Case Location Map). The preliminary development plan (PDP) proposes the conversion of an existing one-story vacant residential structure, with a height of 13 feet and 1,482 square feet of floor area, into an office building for general business office and/or outpatient medical office uses. New parking area, pedestrian circulation, landscaping, and screening are proposed, as required by the *Unified Development Code*.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of O-2 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: vacant single-story, single-family residence

Zoning Descriptions:

R-1: This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

O-2: This zone provides for office, medical, civic, and other land uses that provide reasonable compatibility with adjoining residential uses. Typical development within this zone is two-story office or medical projects. Civic, educational, recreation, religious uses, and select other uses, such as day care and urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned R-1; Single-family residential use
South: Zoned R-1 and O-3; Single-family residential and office uses
East: Zoned R-1; Single-family residential use
West: Zoned O-3; Office use

Previous Cases on the Property:

C9-74-39 Lepin – Speedway Boulevard, R-1 to R-4 (now O-1) This was a request to rezone an area on both sides of Speedway between Campbell Avenue and Tucson Boulevard, including the subject property to allow the development of office uses and conversions of an existing single-family residences to offices. The rezoning was approved on April 21, 1975 with standard and special conditions. The rezoning case expired and was closed on April 21, 1977.

Related Cases:

C9-11-11 Couston – Speedway Boulevard, R-2 to O-2 This was a request to rezone 0.37 acres, located on the southwest corner of Speedway Boulevard and 10th Avenue, to allow the conversion of an existing 1,864 square-foot, single-family residence to an office. On August 6, 2013 Ordinance No. 11099 was adopted. The conditions were met and the case was closed on October 6, 2015.

C9-06-30 Palo Verde Import/Export – Speedway Boulevard, R-1 to O-2 This was a request to rezone 0.35 acres, located on the northwest corner of Speedway Boulevard and Norton Avenue, to allow the construction of a 3,800 square-foot ground floor professional office with a 600 square-foot apartment on the second floor. On November 4, 2008 Ordinance No. 10600 was adopted. On January 15, 2009, building permits T08CM02804 and T08CM02805 were issued, effectuating the ordinance.

C9-95-33 Morales – Speedway Boulevard, R-1 to O-1 This was a rezoning request to allow construction of a 2,754 square foot office use on 0.37 acres located on the north side of Speedway Boulevard between Wilson and Norton Avenues. On August 26, 1996, Mayor and Council adopted rezoning Ordinance No. 8664. On June 30, 1998, building permit #35783 was issued, effectuating the ordinance.

C9-92-02 Trubee – Speedway Boulevard, R-1 to R-4 (now O-1) This was a rezoning request to allow the conversion of an existing single-family residence and the addition of 2,000 square feet of building area for an office use at the northwest corner of Speedway Boulevard and Wilson Avenue. On April 6, 1992, Mayor and Council adopted Ordinance No. 7787 and on September 20, 1995, a site inspection was conducted verifying that all conditions of rezoning were met.

C9-81-92 Giachetti – Speedway Boulevard, R-1 to R-4 (now O-1) This was a rezoning request to allow the conversion of an existing single-family residence to an office use at the northeast corner of Speedway Boulevard and Norton Avenue. On August 3, 1982, Mayor and Council adopted Ordinance No. 5618 and on October 27, 1982 building permit P6086 was issued effectuating the rezoning.

C9-80-57 Moore – Tucson Boulevard, R-1 to R-4 (now O-1) This was a rezoning request to convert an existing, two-story single-family residence to an office use at the northwest corner of Tucson and Speedway Boulevards. On February 9, 1981, Mayor and Council adopted Ordinance No. 5306 and on March 20, 1981 building permit 1310 was issued effectuating the rezoning.

Applicant's Request – Rezoning to O-2 to allow conversion of existing 1,482 square-foot vacant one-story single-family residence to office use, with associated parking, pedestrian circulation, and landscaping.

Planning Considerations – Land use policy direction for this area is provided by the *University Area Plan (UAP)*, the *Blenman Vista Neighborhood Plan (BVNP)*, and *Plan Tucson (PT)*. *PT* policy supports neighborhood commercial and office uses along arterial and collector streets, taking into consideration traffic safety and congestion issues. *PT* also supports residentially-scaled office uses as a possible alternative to residential uses along major streets when the project stabilizes and enhances the transition edge adjacent to residential uses, provides safe and appropriate access from a major street, parking and maneuvering are accommodated on site, screening and buffering of adjacent residential properties is provided, and consideration is given to the consolidation of design elements, such as access, parking, landscaping, and screening.

The proposed site is within an area identified in *PT* as “Existing Neighborhood”, which are primarily developed, largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to protect and maintain the character of the neighborhood by accommodating new, compatible development, and encouraging reinvestment and new services as area amenities. *PT* also encourages context-sensitive community design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of adjacent streets.

The rezoning site is designated for office uses on the *BVNP* Office/Commercial Concept Map. Access should be provided from an arterial street, adjacent residential uses should be adequately buffered, and new development should be designed to be compatible with existing adjacent residential uses. The *BVNP* calls for preserving the character of established neighborhoods by requiring that proposed changes be in harmony with adjacent land uses. Building heights should be transitioned to protect the privacy of adjacent residential uses. The *UAP* supports the conversion of residences to office uses on arterial streets, provided adjacent uses and zoning are office/commercial and the office activities which complement the scale and character of neighborhoods and commercial districts in the University area.

The rezoning site is located along the north side of Speedway Boulevard. Speedway Boulevard is identified as an arterial street with a 120 foot cross section on the *Major Streets and Routes Plan* map. Current zoning to the west is O-3 office, to the south across Speedway Boulevard is R-1 single-family residential and O-3 office, to the east is R-1 single-family residential, and to the north across a public alley is R-1 single-family residential.

The PDP shows a proposed monument sign located in front of the front of the building adjacent to the Speedway Boulevard right-of-way. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The rezoning site is currently developed as a single-family residence, along a corridor that has transitioned over the years to predominantly office uses. Similar sites along Speedway Boulevard in this area are developed mostly in the O-3 zone with uses of similar intensity. Vehicular access to the rezoning site is from Speedway Boulevard. The converted 1,482 square foot office building will maintain its residentially scaled one-story height of 13 feet, consistent with most other structures along this portion of the north side of Speedway Boulevard.

Drainage/Grading/Vegetation – Retention of the first one inch of rainfall is required in water harvesting basins and impervious surfaces are required to drain towards water harvesting areas before overtopping to the right-of-way or private property. The preliminary development plan shows the landscaping in the form of canopy trees to enhance the overall visual impact of the proposed office use and the parking area. Additional screening will be required to comply with *Unified Development Code* Table 7.6.4-I.

Road Improvements/Vehicular Access/Circulation – The PDP shows one direct access point along Speedway Boulevard.

Conclusion – The proposed development is in compliance with the *University Area Plan*, the *Blenman Vista Neighborhood Plan*, and *Plan Tucson* and is consistent with existing development along Speedway Boulevard. Subject to compliance with the attached preliminary conditions, approval of the requested O-2 zoning is appropriate.

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan, dated January 16, 2017, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

6. Hours of operations shall be between 7:00 a.m. and 7:00 p.m. on Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday and Sunday.
7. All exterior mechanical equipment shall be screened from view from surrounding roadways and properties.
8. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
9. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case _____ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case _____.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case _____.

Dated this _____ day of _____, 20____.

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

Its: _____
(Title of Individual Signing in Representative Capacity)

State of Arizona)
)
County of _____)

On this _____ day of _____, 20____, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

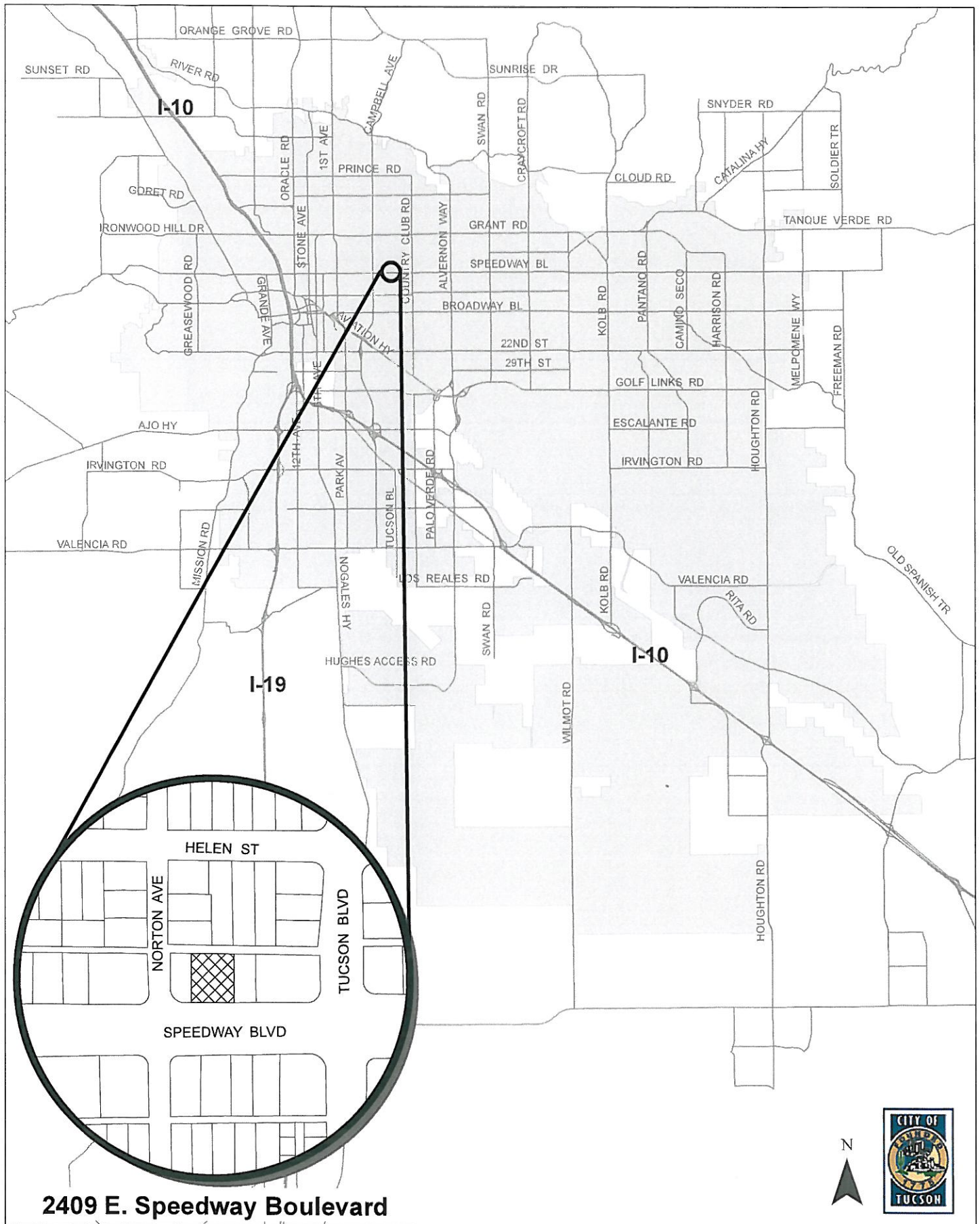
My Commission expires:

City of Tucson, an Arizona municipal Corporation:

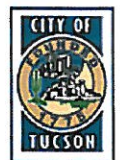
By: _____
Planning & Development Services Department

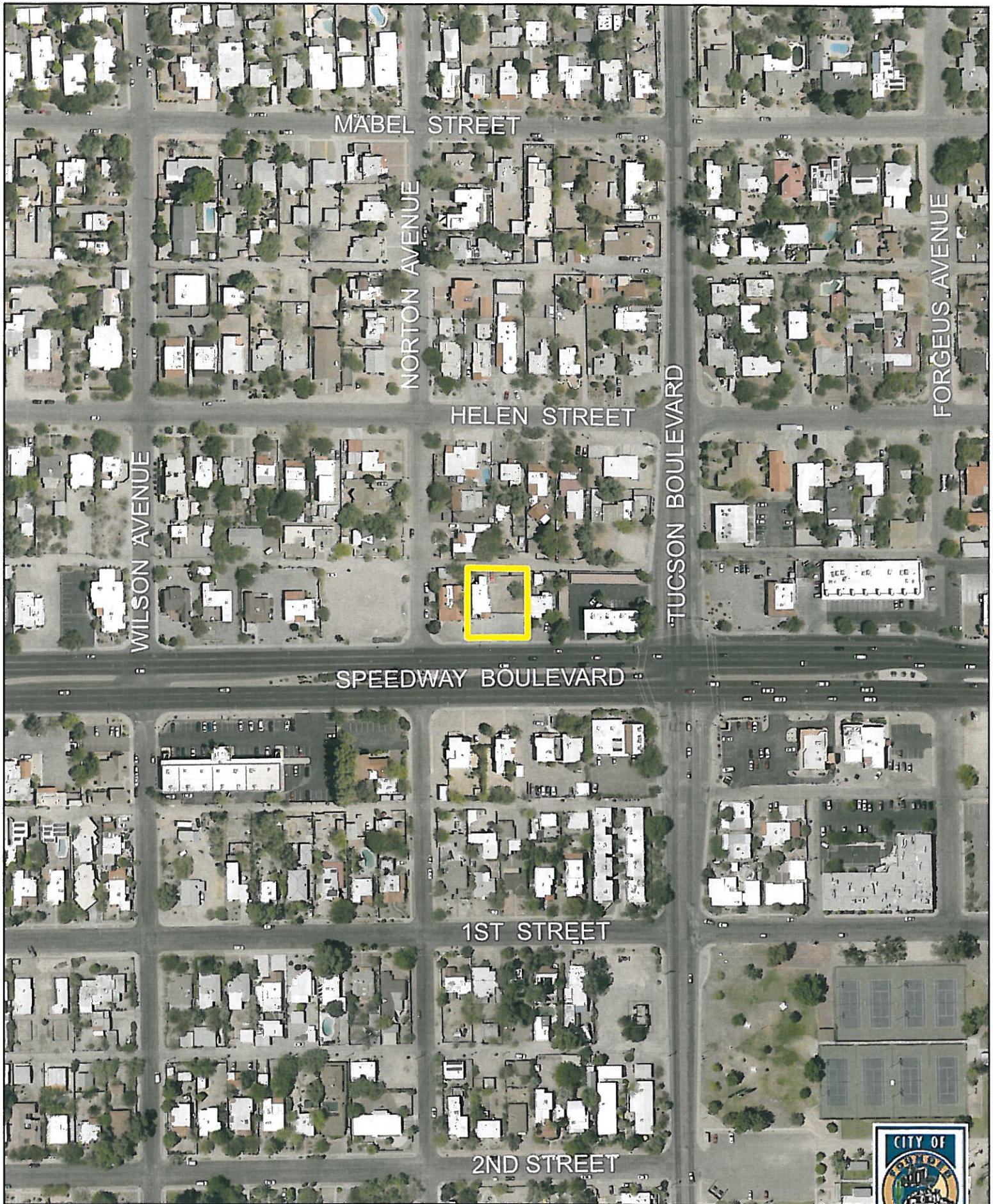
This form has been approved by the City Attorney.

C9-17-01 Lipman Speedway - Speedway Boulevard



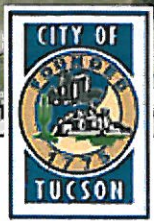
2409 E. Speedway Boulevard





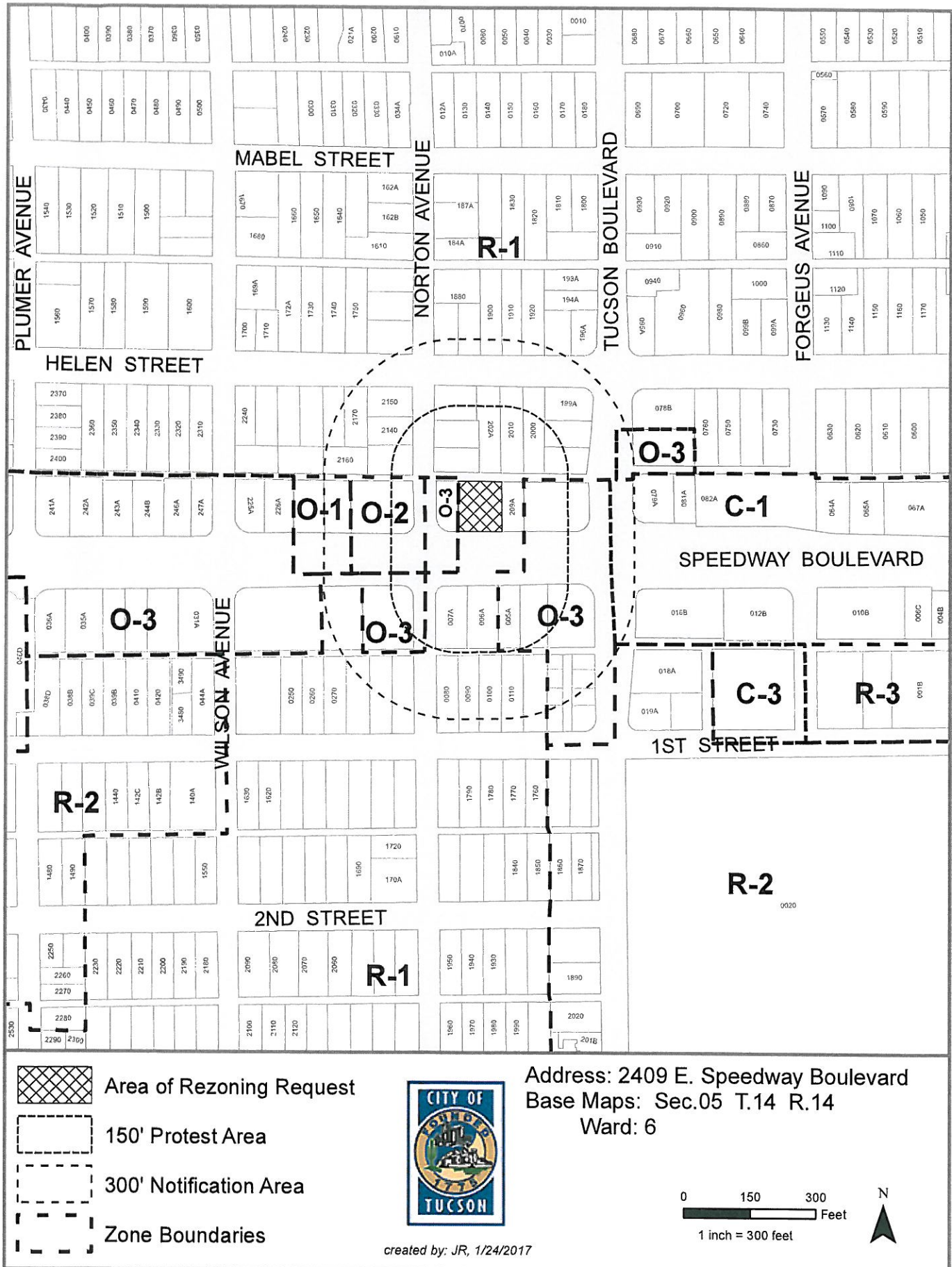
C9-17-01 Lipman Speedway - Speedway Boulevard
2016 Aerial

0 100 200
Feet
1 inch = 200 feet



C9-17-01 Lipman Speedway - Speedway Boulevard

Rezoning Request: from R-1 to O-2



PUBLIC FACILITIES AND SERVICES REPORT FOR March 23, 2017
(as of March 2, 2017)

C9-17-01 Lipman Speedway Boulevard, R-1 to O-2 Zone

CITY AGENCIES

Planning & Development Services – Community Planning: See attached comments dated 2/14/17.
Planning & Development Services – Zoning Review: See attached comments dated 2/8/17.
Planning & Development Services – Sign Code: See attached comments dated 2/13/17.
Planning & Development Services – Engineering: See attached comments dated 2/14/17.
Planning & Development Services – Landscape: See attached comments dated 2/14/17.
Tucson Water New Area Development: See attached comments dated 2/14/17.

No Objections Noted

City of Tucson, Real Estate Program
Transportation – Engineering
Transportation – Traffic Engineering
Tucson Fire Department
Community Services – Historic Preservation Officer
Tucson Parks and Recreation
Tucson Police Department
Tucson Parks and Recreation
Environmental Services

NON-CITY AGENCIES

PAG-TPD: No comment

No Objections Noted

Pima County Planning and Development Services
Tucson Unified School District
Pima County Wastewater
Arizona Department of Transportation
Pima County Transportation and Flood Control
Pima County Parks and Recreation
Davis-Monthan Air Force Base
Tucson Electric Power

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, July 13, 2016 at
<https://www.tucsonaz.gov/PRO/pro/AdvancedSearch.jsp>



Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests must have an owner's signature to be recorded.

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of $\frac{3}{4}$ of the Mayor and Council will be required to approve the rezoning ordinance.

Case: C9-17-01 Lipman – Speedway Boulevard, R-1 to O-2
Ward # 6

I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning.
☐ PROTEST the proposed rezoning.

Reason:

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: _____ Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-17-01

Expose this flap - Affix stamp and return



City of Tucson PMc
Planning and Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

C9-17-01
IMPORTANT REZONING NOTICE ENCLOSED

F:\Sharedir\REZONING\Rezoning TEMPLATES\ZE mailout